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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S  
RULING NO. MC96-3/26

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

Special Services Fees and Classifications

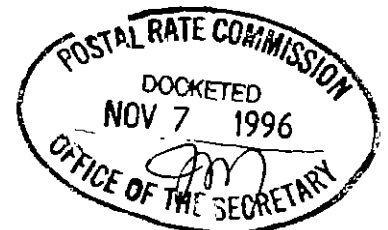
Docket No. MC96-3

PRESIDING OFFICER'S RULING SCHEDULING  
APPEARANCE OF WITNESSES

(November 7, 1996)

Presiding Officer's Ruling MC96-3/3 scheduled hearings to receive the direct testimony of participants other than the Postal Service to begin November 18, 1996, and extend through November 22, 1996. Douglas Carlson; Major Mailers Association; Nashua Photo Inc., Mystic Color Lab, Seattle Filmworks, Inc.; and the Office of the Consumer Advocate have filed evidence which is to be received during these hearings.

Douglas Carlson filed a Motion to be Excused from Oral Cross-Examination explaining that other professional obligations conflict with his appearance on the dates set aside for these hearings. Mr. Carlson suggested alternative ways that he might answer questions, and indicated that he could be available, if necessary, on November 25, 1996. The



Postal Service opposes Mr. Carlson's request.<sup>1</sup> The Service states it has only limited cross-examination planned for Mr. Carlson, but it expresses concern with the precedent of excusing a witness from appearing for oral cross-examination.

Regrettably, Mr. Carlson's motion must be denied. The Postal Service's concern with the potential for establishing a precedent by foregoing cross-examination is not well taken. In recent major Commission cases, witnesses' testimony has been received in evidence when no participant has expressed a desire for oral cross-examination. This often has been arranged in advance by counsel, so that out-of-town witnesses could avoid the unnecessary expense of traveling to Washington, D.C. Nonetheless, the Postal Service is entitled to exercise its due process right to cross-examine an opposing witness, even when it plans only "limited" questions. Under the circumstances, I will extend the hearing through November 25, 1996, to accommodate Mr. Carlson's schedule.

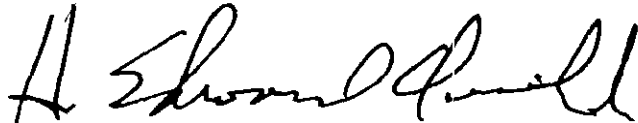
#### RULING

1. The schedule for appearance of witnesses at the next session of hearings is attached as Appendix A to this ruling.

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<sup>1</sup> Response of United States Postal Service to Motion of Douglas F. Carlson to be Excused from Oral Cross-Examination, November 4, 1996.

2. The Douglas F. Carlson Motion to be Excused from Oral Cross-Examination is denied.

A handwritten signature in black ink, appearing to read "H. Edward Quick, Jr.", written in a cursive style.

H. Edward Quick, Jr.  
Presiding Officer

SCHEDULE FOR  
APPEARANCE OF WITNESSES

November 18, 1996	* Thompson OCA-T-200 * Callow OCA-T-300 * Collins OCA-T-400
November 19, 1996	* Bentley * Haldi NMS-T-1
November 20, 1996	* Sherman OCA-T-100
November 25, 1996	* Carlson * Postal Service witness on implementation (if requested)